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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/077,010	02/15/2002	Bradford B. Jensen	JENES-01003	1340

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EXAMINER	
NGUYEN, HUNG T	

ART UNIT	PAPER NUMBER
2636	

DATE MAILED: 04/20/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/077,010	JENSEN ET AL.	
	Examiner	Art Unit	
	Hung T. Nguyen	2636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 February 2002*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-36* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-36* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *2-3*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claim 33 is rejected under 35 U.S.C. 102(e) as being anticipated by Bernazzani et al. (EP 1,077,441).

Regarding claim 33, Bernazzani discloses a marker luminaire (10) comprising:

- a housing with an exterior surface , an interior space and a light source mounted in the interior space [fig.1, col.2, lines 9-58];

- a light emitting diode (20a-20d) as a light source (14) [fig.1, col.2, lines 25-27];

- a light scattering (22) for transmitting light (14) over a broad angle viewing area [fig.1, col.2, lines 25-41];

- an energization circuit providing the current to the light emitting diode [fig.1, col.2, lines 46-58].

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bernazzani et al. (EP 1,077,441).

Regarding claims 1-2, Bernazzani discloses a marker luminaire (10) comprising:

- a housing with an exterior surface , an interior space and a light source mounted in the interior space [fig.1, col.2, lines 9-58];

- a light emitting diode (20a-20d) as a light source (14) [fig.1, col.2, lines 25-27];

- a light scattering (22) for transmitting light (14) over a broad angle viewing area [fig.1, col.2, lines 25-41];

- an energization circuit is connected to the light emitting diode [fig.1, col.2, lines 46-58].

Bernazzani does not specifically mention a phrase "the lighting emitting diode to luminesece

at a level below a useful threshold of human photopic vision and a above a threshold of scotopic vision" as claimed by an applicant.

Bernazzani discloses a marker luminaire (10) having:

- a light emitting diode (20a-20d) as a light source (14) [fig.1, col.2, lines 25-27];
- a light scattering (22) for transmitting light (14) over a broad angle viewing area [fig.1, col.2, lines 25-41].

Therefore, it would have been obvious to one having ordinary in the art to employ the system of Bernazzani to produce enough light visible to be seen at the desired distances.

Regarding claim 3, Bernazzani discloses the marker luminaire (10) having:

- a light emitting diode (20a-20d) as a light source (14) [fig.1, col.2, lines 25-27];
- a light scattering (22) for transmitting light (14) over a broad angle viewing area [fig.1, col.2, lines 25-41].

5. Claims 4-6, 8, 11-15, 17, 20-21 & 23-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bernazzani et al. (EP 1,077,441) in view of Goldberg (U.S. 3,869,641).

Regarding claim 4, Bernazzani discloses an energy source is connected to the light emitting diode (20a-20d) [col.2, lines 46-51].

Goldberg teaches a light emitting diode panel indicator connected in a DC circuit may be powered from a low level DC supply voltage to a variety of electronic instruments [col.1, lines

30-38].

Therefore, it would have been obvious to one having ordinary in the art to employ the teaching of Goldberg in the system of Bernazzani for providing a minimum current to the lighting device.

Regarding claim 5, Bernazzani does not mention the light circuit having a low level switch for setting a level of a current supplied to the light emitting diode.

Goldberg teaches a light emitting diode panel indicator connected in a DC circuit may be powered from a low level DC supply voltage to a variety of electronic instruments [col.1, lines 30-38].

Therefore, it would have been obvious to one having ordinary in the art to employ the teaching of Goldberg in the system of Bernazzani for providing a minimum current to the lighting device.

Regarding claim 6, Bernazzani discloses the marker luminaire (10) having:

- a light emitting diode (20a-20d) as a light source (14) [fig.1, col.2, lines 25-27];
- a light scattering (22) for transmitting light (14) over a broad angle viewing area [fig.1, col.2, lines 25-41].

Regarding claim 8, Bernazzani discloses the marker luminaire (10) comprising:

- a housing with an exterior surface , an interior space and a light source mounted in the interior space [fig.1, col.2, lines 9-58];

- a light emitting diode (20a-20d) as a light source (14) [fig.1, col.2, lines 25-27];

- a light scattering (22) for transmitting light (14) over a broad angle viewing area [fig.1, col.2, lines 25-41];

- an energization circuit is connected to the light emitting diode [fig.1, col.2, lines 46-58].

Regarding claim 11, Bernazzani discloses the marker luminaire (10) futher having a translucent (24) and a pole for supporting [col.2, lines 14-45].

Regarding claim 12, Bernazzani discloses the marker luminaire (10) having:

- a light emitting diode (20a-20d) as a light source (14) [fig.1, col.2, lines 25-27];

- a light scattering (22) for transmitting light (14) over a broad angle viewing area [fig.1, col.2, lines 25-41].

Regarding claim 13, Bernazzani discloses an energy source is connected to the light emitting diode (20a-20d) [col.2, lines 46-51].

Goldberg teaches a light emitting diode panel indicator connected in a DC circuit may be powered from a low level DC supply voltage to a variety of electronic instruments [col.1, lines 30-38].

Therefore, it would have been obvious to one having ordinary in the art to employ the teaching of Goldberg in the system of Bernazzani for providing a minimum current to the lighting device.

Regarding claim 14, Bernazzani does not mention the light circuit having a low level switch for setting a level of a current supplied to the light emitting diode.

Goldberg teaches a light emitting diode panel indicator connected in a DC circuit may be powered from a low level DC supply voltage to a variety of electronic instruments [col.1, lines 30-38].

Therefore, it would have been obvious to one having ordinary in the art to employ the teaching of Goldberg in the system of Bernazzani for providing a minimum current to the lighting device.

Regarding claim 15, Bernazzani discloses the marker luminaire (10) having:

- a light emitting diode (20a-20d) as a light source (14) [fig.1, col.2, lines 25-27];
- a light scattering (22) for transmitting light (14) over a broad angle viewing area [fig.1, col.2, lines 25-41].

Regarding claim 17, Bernazzani discloses the marker luminaire (10) comprising:

- a housing with an exterior surface , an interior space and a light source mounted in the interior space [fig.1, col.2, lines 9-58];
- a light emitting diode (20a-20d) as a light source (14) [fig.1, col.2, lines 25-27];
- a light scattering (22) for transmitting light (14) over a broad angle viewing area [fig.1, col.2, lines 25-41];
- an energization circuit is connected to the light emitting diode [fig.1, col.2, lines 46-58].

Regarding claims 20, 24, Bernazzani discloses the marker luminaire (10) futher having a translucent (24) and a pole for supporting [col.2, lines 14-45].

Regarding claims 21, 25, Bernazzani discloses the light scattering including a panel (16) bearing relative opaque [col.1, lines 37-47, col.3, lines 10-15 and abstract].

Regarding claim 23, The housing may attach to a pull chain / cable (38) [fig.1, col.2, line 55-58].

Regarding claim 26, Bernazzani discloses the marker luminaire (10) comprising:

- a light emitting diode (20a-20d) as a light source (14) [fig.1, col.2, lines 25-27];
- a light scattering (22) for transmitting light (14) over a broad angle viewing area [fig.1, col.2, lines 25-41];
- an energization circuit is connected to the light emitting diode which is activated by a user on button is inherently [fig.1, col.2, lines 46-58].

Regarding claims 27-29, Bernazzani discloses the marker luminaire (10) comprising:

- a housing with an exterior surface , an interior space and a light source mounted in the interior space [fig.1, col.2, lines 9-58];
- a light emitting diode (20a-20d) as a light source (14) [fig.1, col.2, lines 25-27];
- a light scattering (22) for transmitting light (14) over a broad angle viewing area [fig.1, col.2, lines 25-41];

- an energization circuit is connected to the light emitting diode [fig.1, col.2, lines 46-58];

- an energy source is connected to the light emitting diode (20a-20d) [col.2, lines 46-51].

Bernazzani does not specifically mention a phrase "the lighting emitting diode to luminesece at a level below a useful threshold of human photopic vision and a above a threshold of scotopic vision" as claimed by an applicant.

Bernazzani discloses a marker luminaire (10) having:

- a light emitting diode (20a-20d) as a light source (14) [fig.1, col.2, lines 25-27];

- a light scattering (22) for transmitting light (14) over a broad angle viewing area [fig.1, col.2, lines 25-41].

Therefore, it would have been obvious to one having ordinary in the art to employ the system of Bernazzani to produce enough light visible to be seen at the desired distances.

Furthermore, Goldberg teaches a light emitting diode panel indicator connected in a DC circuit may be powered from a low level DC supply voltage to a variety of electronic instruments [col.1, lines 30-38].

Therefore, it would have been obvious to one having ordinary in the art to employ the teaching of Goldberg in the system of Bernazzani for providing a minimum current to the lighting device.

6. Claims 7, 9-10, 16, 18-19, 22, 30-31 & 34-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bernazzani et al. (EP 1,077,441) in view of Goldberg (U.S. 3,869,641) further view of von Bauer et al. (U.S. 5,428,388).

Regarding claims 7 & 16, The combination of Bernazzani & Goldberg is still missing a radio transmitter.

von Bauer teaches a communication system includes a wireless transmittter is used in the doorbell system [figs.10-11, col.5, lines 6-6-17 and col.9, lines 1-25].

Therefore, it would have been obvious to one having ordinary in the art to employ the teaching of Goldberg & von Bauer includes a radio transmitter in the system of Bernazzani for providing an accurate wireless signal to the lighting device.

Regarding claims 9, 18 & 22, von Bauer discloses an encoder and radio transmittter for a wireless doorbell [figs.10-11, col.1-25 and lines 52-64].

Regarding claims 10 & 19, Bernazzani discloses the marker luminaire (10) comprising:

- a housing with an exterior surface , an interior space and a light source mounted in the interior space [fig.1, col.2, lines 9-58];
- a light emitting diode (20a-20d) as a light source (14) [fig.1, col.2, lines 25-27];
- a light scattering (22) for transmitting light (14) over a broad angle viewing area [fig.1, col.2, lines 25-41];
- an energization circuit is connected to the light emitting diode which is activated by a user on button is inherently [fig.1, col.2, lines 46-58].

Regarding claims 30-31 & 34, von Bauer discloses the communication system includes a wireless transmittter is used in the doorbell system / short range radio transmitter [figs.10-11, col.5, lines 6-6-17 and col.9, lines 1-25].

Regarding claims 35-36, Bernazzani discloses the marker luminaire (10) comprising:

- a housing with an exterior surface , an interior space and a light source mounted in the interior space [fig.1, col.2, lines 9-58];
- a light emitting diode (20a-20d) as a light source (14) [fig.1, col.2, lines 25-27];
- a light scattering (22) for transmitting light (14) over a broad angle viewing area [fig.1, col.2, lines 25-41];
- an energization circuit is connected to the light emitting diode [fig.1, col.2, lines 46-58];
- an energy source is connected to the light emitting diode (20a-20d) [col.2, lines 46-51].

Conclusion

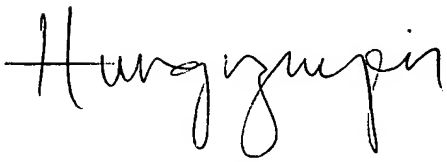
7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Grondal et al. (U.S. 5,542,201) Indirectly illuminated sign.
- Larson (U.S. 5,584,555) Light emitting push button.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung T. Nguyen whose telephone number is (703) 308-6796. The examiner can normally be reached on Monday to Friday from 8:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hofsass, Jeffery can be reached on (703) 305-4717. The fax phone number for this Group is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.



Examiner: Hung T. Nguyen

Date: April 14, 2004